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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2792 OF 2018
IN
FIRST APPEAL NO.1045 OF 2017

Smt.Sheetal B. Tribhuvan & Ors. ...Applicants

<u>IN THE MATTER BETWEEN :</u>

Reliance General Insurance Co. Ltd. ...Appellant
V/s.
Smt.Sheetal B. Tribhuvan & Ors. ...Respondents

Mr.Yogesh Pande for the Applicants / Respondent Nos.1 to 5.

Ms.Poonam Mital for the Appellant.

Mr.Himanshu Takke i/b Mr.Milind V. More for the Respondent No.9.

<u>CORAM : R.D. DHANUKA, J.</u>
<u>DATE : 25TH FEBRUARY, 2020.</u>

<u>P.C. :-</u>

1. The applicants seek withdrawal of the amount deposited by the appellant. Heard learned counsel for the applicants, learned counsel for the respondent no.9 and learned counsel for the appellant. The reasons for seeking withdrawal of the amount are recorded in paragraphs 6 to 9 of the civil application. The case is made out for withdrawal of 50% of the amount deposited by the appellant to be apportioned as directed by the Tribunal on the condition that the applicants would file an undertaking before the concerned M.A.C.T. to the effect that if the applicants fail in this First

Appeal, they will return the amount with interest at such rate as may be directed by this Court at the time of disposal of the First Appeal. Such undertaking shall be filed within four weeks from today. Insofar as the applicant nos.3 and 4 are concerned, their shares shall be invested by the concerned M.A.C.T. in the fixed deposit of a nationalized bank initially for a period of five years or till they attain majority or till the date of disposal of the First Appeal, whichever is earlier. Upon attaining the age of majority by the applicant nos.3 and 4 ,they would be entitled to apply for withdrawal of the amount payable to them unless the First Appeal is disposed of prior to such date.

2. If an undertaking is not filed by the applicants within the time prescribed, the order passed today permitting the applicants to withdraw the amount shall stand vacated without further reference to Court. If 50% amount is withdrawn by the applicants, the balance amount, if not invested so far, shall be invested by the concerned MACT in the fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period depending upon the pendency of the First Appeal.

(R.D. DHANUKA, J.)